

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

FILED
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UNITED STATES DISTRICT COURT

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for the

District of Massachusetts

U.S. DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Division

Case No.

(to be filled in by the Clerk's Office)

Francis J. Buckley

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Kristin T. Carvalho, President, Chief Executive Officer, and Director of Milford National Bank and Trust Company.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Francis J. Buckley
Street Address	9 Irving Street
City and County	Humarock, Plymouth County
State and Zip Code	Massachusetts 02047
Telephone Number	781/834-3392
E-mail Address	FJ02047@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Kristin T. Carvalho
Job or Title <i>(if known)</i>	President, Chief Executive Officer, and Director
Street Address	300 East Main Street
City and County	Milford, Worcester County
State and Zip Code	Massachusetts 01757
Telephone Number	508/634-4100
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Plaintiff was accused, by the Defendant, of violating elements within Title 5, Office of Government Ethics, Chapter XVI, Subchapter B, sections 2634-2642-2610 (5 USC), as well as corresponding federal regulations found within Title 5 Code of Federal Regulations, part 735 (5CFR735).

Plaintiff became the subject of a U.S. Treasury Office of Inspector General - Bureau of Special Investigations, investigation, and faced fines and penalties. Plaintiff faced possible loss of his Job, and loss of pension, as well as civil penalties, and incarceration.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

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4 **III. Statement of Claim**

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6 The Plaintiff, who is Pro Se, is of the opinion that the Defendant acted with malice, and in
7 reckless disregard for the truth, by accusing the Plaintiff of violating the Standards of **Ethical**
8 Conduct for Federal Employees (Title 5 Code of Federal Regulations) via soliciting
9 employment within the Defendant's banking company, while Plaintiff was in the conduct of
10 performing his official and assigned responsibilities as a Commissioned National Bank Examiner
11 with the U.S. Treasury, Office of the Comptroller of the Currency.

12
13 The Defendant didn't accept the banking safety and soundness deficiencies the Plaintiff had
14 identified during the course of a December 2015 onsite examination of the bank, and with intent
15 and malice, the Defendant communicated to a third party, (who the Plaintiff doesn't believe is a
16 "privileged party"), that the Plaintiff had illegally solicited employment within the Bank as a
17 means of treating the unsafe and unsound existing banking practices differently. This allegation
18 was communicated to the Plaintiff's employer on, or about December 8, 2015.

19
20 Accordingly, on or about, December 9, 2015, the Plaintiff received a telephone call from the
21 Assistant Deputy Comptroller of the Boston Field Office of the Office of the Comptroller of the
22 Currency, who told me that the Defendant claimed I had solicited employment as a "quid pro
23 quo" to "masking" safety and soundness deficiencies, asking me if this was the truth. I denied
24 all allegations. Never-the-less I was directed to immediately leave the bank, say nothing to
25 anyone, and to report into the Boston Field Office on Monday December 14, 2015.

26
27 The Defendant's accusation, which became the subject of a U.S. Treasury, Office of Inspector
28 General, Bureau of Special Investigations, case has subsequently been finalized, and the
29 allegations made by the Defendant were found to be unsubstantiated and the claim false. In fact,

III. Statement of Claim (Continued)

the Defendant communicated in her sworn testimony to Treasury Investigators that her statement was not truthful. Please refer to Report of Investigation document.

It is the Plaintiff's belief that the slanderous allegation against the Plaintiff was a means to discredit, humiliate, and otherwise attempt to negate any, if not all, of the unsafe and unsound banking practices, identified by the Plaintiff, being conducted at the Bank.

As a direct and proximate result of the Defendant's allegations, the Plaintiff was removed from the examination, and as a result of the embarrassment, humiliation, and character assignation, became psychologically affected by the allegation and fell into a state of severe depression, forced to use up virtually all of his accrued sick and vacation leave. Further, as a result of the slanderous and untruthful allegation, the Plaintiff, under "duress" resigned his commission and accepted a markedly reduced pension benefit.

Accordingly, the Plaintiff believes he has been slandered and seeks redress by the Court for Defamation of Character, and Wrongful Interference by the Defendant against the Plaintiff and his Employer. Plaintiff requests a trial by jury and seeks Relief, as detailed within Section IV, of this Complaint, for actual and special compensatory and punitive damages.

This action together with the testimony and evidence to be presented shall prove to be challenging. Sworn testimony provided by the Defendant to investigators from the U.S. Treasury, Office of Inspector General, and found within the Report of Investigation, specifically states that Plaintiff admitted being a liar and told investigators that the Plaintiff "never actually solicited employment. It now appears that the Defendant claims a solicitation of employment was "inferred", yet it is the Plaintiff's position that slanderous statements made, that I had

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3 **III. Statement of Claim (Continued)**

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6 solicited employment shouldn't be mitigated by concocted, after-the-fact, defenses.

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8 Plaintiff requests trial by jury, and all relief deemed justifiable by the Court.

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IV. Relief

Despite repeated attempts by the Plaintiff to bring this matter to a resolution, Defendant is unwilling to do so, and Defendant's Attorney communicated that should I pursue a Complaint, it would be viewed frivolous, and Defendant will seek to recover attorney's costs and Have sanctions imposed upon me, to the full extent of the law.

Accordingly, Plaintiff claims Special (Economic) Damages, as well as non-economic damages Plaintiff in the aggregate amount of TWO MILLION FIVE HUNDRED SEVENTY-ONE THOUSAND, THREE HUNDRED THIRTY-THREE DOLLARS (\$2,571,333.00), and such other relief as the Court deem just.

Economic damages, calculated by virtue of the loss of income resulting from the Plaintiff's loss of income and reduction in defined benefit pension aggregates \$1,071,333.00. Loss of wages is quantified via the 64-month period between the Plaintiff's early retirement date (Sep-30-2016) and the Plaintiff's normal retirement age of 67 years, 2 months, and/or February 14, 2022. As calculated, the Plaintiff earned \$14,333.00 per month as of September 30, 2016, and a 64-month loss of that income totals \$917,333.00. Plaintiff also had to forgo the loss of accumulation and benefit under his defined benefit pension plan for this 64-month period. The net present value of this benefit aggregates an additional \$154,000.00.

Non-Economic Damages: Plaintiff also claims pain and suffering damages in the amount of \$1.5 million. Plaintiff suffered irreparable damage in this defamation including impairment to reputation, standing within the community, personal humiliation, shame, and disgrace. Further, Plaintiff seeks compensation for not just mental pain and suffering, but also mental anguish, emotional distress, loss of enjoyment of life, and anxiety. The false allegations made caused significant mental pain and suffering also caused appetite loss, lack of energy, mood swings, and sleep

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4 **IV. Relief (Continued)**
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6 disturbances. Defendant accused the Plaintiff of committing a crime and prejudiced the
7 Plaintiff in his professional career.
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9 Plaintiff respectfully requests a trial by jury in this matter on all issues properly so tried,
10 and asks that all available relief be granted by the Court.
11

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Sept - 7 - 2017

Signature of Plaintiff

Printed Name of Plaintiff

Francis J. Buckley, Pro Se
Francis J. Buckley

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____